

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**LESLIE RITTER,**

**Plaintiff,**

**11-CV-1067A(Sr)**

**v.**

**AMENDED CASE  
MANAGEMENT ORDER**

**TOYS “R” US-DELAWARE, INC.,**

**Defendant.**

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Pursuant to the Order of the **Hon. Richard J. Arcara** referring this case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) and Proposed Rule 16.2 of the Local Rules of Civil Procedure for the Western District of New York, it is **ORDERED** that the Case Management Order is amended as follows:

1. The initial mediation session shall be held no later than **October 12, 2012.**
2. All fact depositions shall be completed no later than **April 12, 2013.**
3. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **May 10, 2013.** Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **June 14, 2013.**

4. All expert depositions shall be completed no later than **September 13, 2013**.

5. All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date. In the event of a bonafide discovery dispute that cannot be resolved by counsels' good faith efforts (*see generally* Local Rule 37), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by letter a statement of facts and law it wishes the Court to consider. The Court reserves the right to request full briefing by the parties, in which case the Court will so advise the parties.

6. All discovery in this case shall be completed no later than **October 18, 2013**.

7. Dispositive motions shall be filed by all parties no later than **December 6, 2013**. *See generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before the Magistrate Judge.

8. Mediation session may continue, in accordance with Section 5.11 of the ADR Plan, until **December 20, 2013**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

9. Modification or extension of the dates set forth in this Case Management Order are strongly discouraged. Extensions will only be considered for meritorious reasons.

10. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

**SO ORDERED.**

DATED: Buffalo, New York  
July 19, 2012

*S/ H. Kenneth Schroeder, Jr.*  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**